

Applicant or Patentee: Thomas R. Winston, M.D., et al.

Serial or Patent No.: \_\_\_\_\_

Filed or Issued:

For: METHODS AND APPARATUS FOR GUIDING A GUIDE WIRE

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- [ ] the owner of the small business concern identified below:  
[x] an official of the small business concern empowered to act on  
behalf of the concern identified below:

NAME OF CONCERN IntraLuminal Therapeutics, Inc.

ADDRESS OF CONCERN 6354 Corte Del Abeto, Suite A, Carlsbad, CA 92009,  
U.S.A.

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled METHODS AND APPARATUS FOR GUIDING A GUIDE WIRE by inventor(s) Dr. Thomas R. Winston, et al., described in

- [X] the specification filed herewith  
[ ] application serial no. \_\_\_\_\_, filed \_\_\_\_\_.  
[ ] patent no. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required for each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

[ ] Individual  
Concern

[ ] Small Business  
Organization

[ ] Nonprofit

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

[ ] Individual  
Concern

[ ] Small Business  
Organization

[ ] Nonprofit

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING John M. Neet

TITLE OF PERSON OTHER THAN OWNER Vice President, R & D

ADDRESS OF PERSON SIGNING 4311 Lloyd, Kansas City, KS 66103

**ADDRESS &  
SIGNATURE**

DATE

**DECLARATION AND POWER OF ATTORNEY**

Attorney's Docket No.  
**15225-00041**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHODS AND APPARATUS FOR GUIDING A GUIDE WIRE**, the specification of which:

(check one)  is attached hereto

was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_,  
and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

I hereby claim priority benefits under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (patented, pending, abandoned)
09/060,487	April 15, 1998	Pending

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date	Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.
_____	_____	_____
_____	_____	_____
_____	_____	_____

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*list name and registration number*)

John S. Beulick (Reg. No. 33,338); Michael Tersillo; (Reg. No. 42,180); Tara A. Nealey (Reg. No. 42927); Bruce T. Atkins (Reg. No. 43,476); Alan L. Cassel (Reg. No. 35,842); Elizabeth D. Odell (Reg. No. 39,532); Robert E. Slenker (45,112); Stephen R. Cooper (Reg. No. 42,437) and Bruce E. Burdick (Reg. No. 27,422) of Armstrong Teasdale LLP, One Metropolitan Square, Suite 2600, St. Louis, MO 63102-2740;

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Direct Telephone Calls To:

John S. Beulick  
314/621-5070

**DECLARATION AND POWER OF ATTORNEY**

Attorney's Docket No.

15225-00041

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.

**SOLE OR FIRST INVENTOR:**Full Name: Thomas R. Winston

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: U.S.A.Post Office Address: \_\_\_\_\_  
\_\_\_\_\_**SECOND JOINT INVENTOR, IF ANY:**Full Name: John M. Neet

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: U.S.A.Post Office Address: \_\_\_\_\_  
\_\_\_\_\_**THIRD JOINT INVENTOR, IF ANY:**Full Name: Nicholas Wolfe

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: U.S.A.Post Office Address: \_\_\_\_\_  
\_\_\_\_\_